

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 3257 – SB 3076

June 4, 2012

**SUMMARY OF AMENDMENT (014071):** Deletes all language after the enacting clause. Moves the offense of public indecency from Tenn. Code Ann. § 39-13-511 to a new section, Tenn. Code Ann. § 39-13-517. Enhances the penalty for indecent exposure, from a Class A misdemeanor to a Class E felony, if the defendant is 18 years of age or older and the victim is under the age of 13 and the offense occurs on the property of any public school, private or parochial school, licensed day care center or other child care facility during a time at which a child is like to be present. Under Tenn. Code Ann. § 39-13-517, public place is redefined to include a public restroom, whether single sex or not. Creates a Class E felony of public indecency where the offense involves the defendant engaging in masturbation by self-stimulation, or the use of an inanimate object, on the property of any public school, private or parochial school, licensed day care center or other child care facility during a time at which a child is likely to be present. Requires a court granting judicial diversion to a person charged with the latter offense to order the person to be enrolled in a satellite-based monitoring program during the full extent of the person's term of probation.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

**Unchanged from the original fiscal note.**

Assumptions applied to amendment:

- According to the Department of Correction (DOC) there has been one admission on average for each of the past 10 years for indecent exposure involving a victim under the age of 13 for a second or subsequent offense.
- DOC assumes one additional person convicted of a Class E felony every 10 years for indecent exposure or public indecency on school property. Estimate assumes no significant additional incarceration costs as a result of the low estimate of offenders that will be admitted to the Department as a result of this bill.

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- Due to the insignificant number of additional offenders, there will not be a significant fiscal impact to the Board of Probation and Parole for additional offenders who will be convicted of a Class E felony of public indecency where the offense involves the defendant engaging in masturbation by self-stimulation, or the use of an inanimate object, on the property of any public school, private or parochial school, licensed day care center or other child care facility during a time at which a child is like to be present, and the defendant is granted judicial diversion.
- Any increase in caseloads for state trial or appellate courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc